

## **Andover Conservation Commission Meeting Minutes January 25, 2012**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink, Commissioner Alix Driscoll, and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

### **SCHEDULED ITEMS:**

#### **Merrimack College Football Field**

Present in Interest: Robert Coppola and Jeff Doggett, Chris Lovett-VHB

Staff Recommendation: Approve and Issue Order of Conditions

Continued Public Hearing for a Request an Amended Order of Conditions filed by Merrimack College under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed expansion of the Volpe Athletic Center, installation of additional parking and storm water management improvements and to track the remaining storm water peak flow credits that were banked through construction of the football field at Volpe Athletic Center Facility Merrimack College. DEP #090-0750

The Public Hearing was continued from January 11, 2012, for purposes of determining bank's capacity, collection of soil data, and addition of manhole. Credit was given for the football field which provides mitigation under Storm Water Management Practices. The Commission reviewed a revised site plan, a proposed detention basin monitoring program, and other materials submitted by the applicants after the last hearing session. The Commission reviewed the draft Amended Order of Conditions. The Commission discussed and determined that the following items be included in the Amended Order of Conditions;

1. The information referenced in VHB letter dated January 12, 2012.
2. Provide recommendations only: in reference to rain gardens which are not subject to jurisdiction to the Town of Andover.
3. The monitoring system should be in place six months after construction.
4. Continuous Site Monitoring of outflow of both ponds to be left in place until a two Year storm event with the results analyzed prior to any other applications to come before the Commission.

Commissioner Porter made a Motion to approve the project, close the Public Hearing, and to issue Amended Order of Conditions as discussed; it was seconded by Commission Walsh and unanimously approved.

## **21 Off Webster Street**

**Present in Interest: Bill Dufresne**

Staff Recommendation: Application Not Complete and Ready to be Issued

Public Hearing on a Notice Intent filed by Jeffco Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for the proposed demolition of an existing house and construction of a new single family house. DEP File #090-1149

Ms. Cleary presented to the Commission. This site was the subject of several enforcement orders which have been resolved. Ms. Cleary informed the Commission on the history of the enforcement orders. Permanent no-disturb markers were to be installed only on this lot (and when the other two lots came up for development located across the street). Environmental monitoring and construction overview was done by Jeff Bridge on the Commission's behalf through the duration of the enforcement work, which is now in compliance.

The Commission expressed a number of concerns and asked questions of the proponent about the proposed work. Ms. Cleary noted that this site is presently under review with DEP (no comments are available at this date). The Applicant requested a Continuance to a Date Uncertain to address the following items that were of concern to the Commission & staff:

1. Address any comments from DEP when a file number is issued.
2. Staff is to get ruling/advice regarding adequacy of the proposed septic system from the Board of Health. Tom Carbone has not approved the new three bedroom dwelling and indicates that a reserve system may be necessary. The Commission questioned where on the lot there is availability for the same.
3. Submit waiver letter for not meeting the 25 ft. no disturb and 50 ft. no-build with compelling reasons.
4. Address high ground water table and how it will affect dewatering for the foundation and other work (septic system, roof drain performance, etc.)
5. Address stockpiling issues due to site constraints.
6. Address treatment for brick shed (will it be removed, rebuilt, etc.). If rebuilt, ensure outside of 25 ft. no-disturb.
7. Use Enforcement Order plans for wetland delineation (plan dated Sept. 1, 2009).
8. Wetland flags on the lot and immediate vicinity (along roadway across from dwelling) are to be re-established on site per the agreed upon Enforcement Order Plan dated Sept. 1, 2009 with bounds already installed on the lot marked by flagged survey stakes per plan dated Oct. 28, 2009.
9. Depict entire lot on site plan, and correct certain errors on the current plan.
10. Provide roof infiltration and drainage swale specs.

11. Address whether the roadway pavement will need to be widened, and drainage systems added.
12. Verify any vernal pools on site and re-examine behind dwelling.

Ms. Cleary recommended having a limited peer review to be done by Jeff Bridge at the applicant's expense under the By-Law including review of resource areas and determining environmental impacts relative to existing conditions vs. proposed conditions to occur after the above information is submitted by the applicant so there is only one review.

*The owner's representative Bill Dufresne from Merrimack Engineering testified that the owner's motivation in purchasing the land was not the value of the house or lands itself, it was to enhance the value of the other family holdings in the area.*

Commissioner Walsh made a Motion to Continue to a Date Uncertain with the list of 12 items to be addressed; it was seconded by Commissioner Driscoll and unanimously approved.

#### **14 Wabanaki Way**

Present in Interest: Adam Wolff

Staff Recommendation: Approve and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by Adam Wolff under the Massachusetts Wetland Protection Act, M.G.L. 131, & 40, for the proposed construction of an in ground swimming pool, spa, concrete patio, fence and associated grading and utilities.

Mr. Douglas presented to Commission that the Commission requested that at the last meeting an additional site walk was required by him, Commissioner Fink along with Maureen Hanley from Norse Environmental and the homeowner. Prior to the site walk the following 2 actions that needed to be completed. 1. Allow the homeowner (Mr. Wolff) time to make final clarification on what trees are staying and being removed (to include marking up plan to reflect this and using colored tape and or ribbon). 2. A new modified certified engineered plot plan is not required and current marked up drawing will be acceptable. The Commission suggested to the homeowner to preserve as many trees as possible around the property line.

Ms. Fink reported on her site walk on January 23, to review the trees marked for cutting with the applicant and determine the appropriate areas of tree removal. Most of the trees were small, and many were in poor condition because of invasive Japanese bittersweet vines that covered their branches. Ms Fink recommended approving the cutting as shown on the revised plan. The Commission reviewed the draft Order, including language to address the location of the trees to be removed.

Commissioner Walsh made a motion to approve the project, close Public Hearing and to issue the Order of Conditions as drafted; it was seconded by Commissioner Porter and unanimously approved.

## **ACTION ITEMS**

### **7 Manning Way**

Staff Recommendation: Approve

Request for temporary cessation of inspection reports. DEP File #090-0969

Ms. Cleary recommended approving the temporary cessation after consulting with the site monitor for this property.

Commissioner Driscoll made a Motion to approve Temporary Cessation of Inspection Reports; it was seconded by Commissioner Porter and unanimously approved.

### **221 Highland Road**

Voted to issue 2<sup>nd</sup> Enforcement Order “Site Plan” prepared by LeBlanc Survey Associates, Inc. and “Wetland/Buffer Zone Planting Plan” prepared by Seekamp Environmental Consulting, Inc. with modifications pursuant to issuance of a 2<sup>nd</sup> Enforcement Order.

The Commission reviewed a site plan depicting wetlands delineations and current site conditions after the removal of fill from wetlands and buffer zones under an Enforcement Order issued on October 21, 2011. The Commission also reviewed a proposed planting plan for restoration of altered areas.

Ms. Cleary reported on the status of work, and recommended that the Commission accept the delineations depicted on the site plan reviewed. She also recommended that the Commission accept the planting plan with modifications to assure that all disturbed areas are planted with appropriate native vegetation. The Commission reviewed a draft Enforcement Order with conditions for the restoration phase of the work which contained staff’s recommendations.

Commissioner Porter made a Motion to approve issuance of the 2<sup>nd</sup> Enforcement Order with conditions as drafted which references the Site Plan; it was seconded by Commissioner Driscoll and unanimously approved.

### **39 Lucerne Drive**

Staff Recommendation: Approval

Vote to approve Insignificant Change for site plan revision for a previously approved deck to be converted to a three season porch. DEP File #090-1138

Revised site plans were reviewed by the Commission reflecting a proposed change from a deck to a three season porch. Ms. Cleary stated there will be no increase in size or further earth disturbance as a result of this change. She also recommended that the silt fence be re-established prior to commencement of work on site scheduled for the spring.

Commissioner Driscoll made a Motion to approve an Insignificant Change for a three season porch; it was seconded by Commissioner Walsh and unanimously approved.

### **CONSENT AGENDA**

#### **Minutes for Meetings of December 15, 2011 and January 4, 2012.**

The Commission reviewed draft minutes for the meetings of December 15, 2011, and January 4, 2012. Several revisions were made to the December 15<sup>th</sup> minutes.

Commissioner Walsh made a Motion to approve the minutes of December 15, 2011, as revised this evening and January 4, 2012 as drafted; it was seconded by Commissioner Driscoll and unanimously approved.

#### **86 Lowell Street (off Mary Lou Lane)**

Issuance of a Certificate of Compliance. DEP File #090-1128

Commissioner Walsh made a Motion to approve Issuance of a Certificate of Compliance; it was seconded by Commissioner Driscoll and unanimously approved.

#### **6 Serenity Lane**

Issuance of a Notification of Satisfactory Completion of Work. DA2008-011

Commissioner Walsh made a Motion to approve Issuance of Notification of Satisfactory Completion of Work; it was seconded by Commissioner Driscoll and unanimously approved.

### **DISCUSSION ITEMSWHICH MAY REQUIRE A VOTE**

#### **MACC Annual Environmental Conference**

Registration required for attendance at MACC Annual Environmental Conference on Saturday, March 3, 2012 (College of the Holy Cross- Worcester). Commission interested in attending will get their registration forms to staff.

#### **0 & 303 Lowell Street (Rolling Green)**

Information on Proponent Appeal to DEP & Site Visit relative to Commission's decision on the ORAD. DEP File #090-1143

The Commission reviewed the appeal of the ORAD. Commissioner Fink expressed concern about the ORAD that was issued, which did not include all of the revisions that were discussed in the meeting on January 4, 2012 and voted. Director Douglas stated items were in order and that

these issues could be raised at the DEP site visit on January 27, 2012 at 10:30 a.m. or future letter to DEP. It was decided that a new document and cover letter would not be issued to DEP. A site walk has been scheduled by DEP at 29 Boutwell Road on Wednesday, February 8, 2012 at 9:30 a.m. for the appeal of the ARAD.

### **Spring Thaw 6 hour Run/Walk**

Approval for use of town land for Spring Thaw 6 Hour Run/Walk on March 18, 2012 from 9:00 a.m. – 3 p.m.

Commissioner Walsh made a Motion to approve use of Town Land for Spring Thaw 6 Hour Run/Walk; it was seconded by Commissioner Porter and unanimously approved.

### **Bancroft School Project – DEP File #090-1133**

Request to approve and revise special conditions with language as ordered by Magistrate in Decision on appeal of Order of Conditions under Andover Wetlands Protection Bylaw.

Commission Driscoll reviewed the Magistrate's order to revise the Order of Conditions as directed. Seconded by Commissioner Porter and unanimously approved.

### **Balmoral Dam Removal**

Vote for Eminent Domain Taking Construction Easement for Balmoral Dam Removal owned by Balmoral Condominium taking area of 10,062.5 square feet Parcel 36-9.

Commission Porter made a Motion to approve the taking, seconded by Commissioner Walsh and unanimously approved.

### **Balmoral Dam Removal**

Vote for Eminent Domain Taking Balmoral Dam owned by Milliken & Company taking area of 921.6 square feet.

Commission Porter made a Motion to approve the taking, seconded by Commissioner Walsh and unanimously approved.

### **Remote Participation Requirements and Procedures**

Discussed the Remote Participation Requirements and Procedures 940 CMR 29.10.

### **Public Relations Plan**

Robert Decelle presented to the Commission about his views on a Public Relations Plan. He would like to be the special project manager and have assistance from other interested parties.

The Commission asked for more information about Public Relations Plan before approving. Commissioner Driscoll, Director Douglas, Commissioner Porter and Commissioner Walsh offered to help.

**The next meeting will be held at 7:45 p.m. on February 7, 2012.**

**The meeting was adjourned at 9:45 p.m. by Motion of Commissioner Walsh. It was seconded by Commissioner Porter and unanimously approved.**

Respectfully submitted by:

Wendy Adams

Recording Secretary